

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DAVID LEWIS ROWELL,

Plaintiff,

VS.

WILLIAM STEPHENS, *et al*,

Defendants.

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CIVIL ACTION NO. 4:15-CV-1261

OPINION ON ORDER OF DISMISSAL

Plaintiff filed a civil rights complaint under 42 U.S.C. § 1983. On May 14, 2015, the Clerk entered a Notice of Deficient Pleading directing Plaintiff to submit within thirty days the required filing fee or an application to proceed *in forma pauperis* and certified inmate trust fund account statement. (Docket No. 3.) To date, Plaintiff has not complied with that notice, which specifically stated that if Plaintiff “fails to comply on time, the Court may dismiss this case for want of prosecution, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.” Plaintiff’s failure to cure the deficiencies in his pleadings or to otherwise communicate with the Court shows a lack of due diligence.

Therefore, under the inherent powers necessarily vested in a court to manage its own affairs, the Court determines that dismissal of this case for want of prosecution is appropriate. *See* FED. R. CIV. P. 41(b); *Woodson v. Surgitek, Inc.*, 57 F.3d 1406, 1417 (5th Cir. 1995). Plaintiff is advised, however, that he may seek relief from this Order by filing a timely and properly supported motion under Rule 60(b) of the Federal Rules of Civil Procedure.

Accordingly, it is ORDERED that this action is DISMISSED without prejudice for want of prosecution.

The Clerk shall provide a copy of this Order to Plaintiff.

SIGNED at Houston, Texas, this 13th day of July, 2015.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE